

1 QUIN DENVER, Bar #49374
2 Federal Defender
3 TIMOTHY ZINDEL, Bar #158377
Assistant Federal Defender
3 801 I Street, 3rd Floor
Sacramento, California 95814
4 Telephone: (916) 498-5700

5 Attorney for Defendant
TIMOTHY CELESTINE
6

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
9

10
11 UNITED STATES OF AMERICA,) NO. CR. S-05-0019 FCD
12 Plaintiff,)
13 v.) **STIPULATION AND ORDER CONTINUING**
14) **STATUS CONFERENCE**
15)
16) Date: September 19, 2005
Defendant.) Time: 9:30 a.m.
) Judge: Hon. Frank C. Damrell, Jr.
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18 IT IS HEREBY STIPULATED AND AGREED between plaintiff, United States
19 of America, and defendant, Timothy Celestine, that the status conference
20 scheduled for September 19, 2005, may be continued to November 14, 2005,
21 at 9:30 a.m.

22 The defense has shared with the government the results of its
23 factual investigation. The case agent has agreed to meet Mr. Celestine
24 to discuss the circumstances underlying the charge but this meeting has
25 been delayed because the agent is presently assigned outside of the area.
Counsel for Mr. Celestine hopes that the case will resolve favorably to
Mr. Celestine (without a trial) as a result of this meeting. Mr.
Celestine remains out of custody under pretrial services supervision, is

gainfully employed, and has agreed to this continuance.

Because the meeting may promote a resolution of the case, the parties agree that the ends of justice to be served by a continuance outweigh the best interests of the public and the defendant in a speedy trial and that time under the Speedy Trial Act may be excluded from the date of this order through November 14, 2005, pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(iv) (Local Code T4).

Respectfully submitted,

QUIN DENVIR
Federal Defender

Dated: September 15, 2005

/s/ T. Zindel
TIMOTHY ZINDEL
Assistant Federal Defender
Attorney for TIMOTHY CELESTINE

McGREGOR SCOTT
United States Attorney

Dated: September 15, 2005

/s/ T. Zindel for M. Grad
MARY GRAD
Assistant U.S. Attorney

ORDER

The status conference is continued to November 14, 2005, at 9:30 a.m. and time under the Speedy Trial Act is excluded through that date for the reasons set forth above and by agreement of the parties.

IT IS SO ORDERED.

Dated: September 16, 2005

/s/ Frank C. Damrell Jr.
HON. FRANK C. DAMRELL, JR.
United States District Judge